

**STATE OF MINNESOTA  
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of

Maria Vazquez-Calatyud,  
Applicant

**STIPULATION AND ORDER**

**I. INTRODUCTION**

1. Maria Vazquez-Calatayud ("Respondent") and the Minnesota Board of Marriage and Family Therapy Complaint Panel ("Panel") agree that this matter may be resolved without trial of any issue or fact as follows:

**II. BACKGROUND AND JURISDICTION**

2. The Minnesota Board of Marriage and Family Therapy ("Board") is authorized pursuant to Minnesota Statutes chapter 148B to license and regulate Marriage and Family Therapists and applicants to the Board; refer complaints against Marriage and Family Therapists to the Attorney General for investigation; and to take disciplinary action when appropriate. Respondent is an applicant to the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this stipulation. The Board approved Respondent's application to sit for the national exam on November 19, 2010. Respondent is not licensed to practice as a Marriage and Family therapist in the state of Minnesota.

3. As of the date of this agreement, Respondent has not completed the requirements for licensure as a Marriage and Family Therapist and is not a licensed Marriage and Family Therapist or a Licensed Associate Marriage and Family Therapist in the state of Minnesota.

**III. FACTS**

The parties agree this Stipulation and Consent Order is based upon the following facts:

1. In 2006, Respondent received her Master of Arts degree in Marriage and Family Therapy from Bethel Theological Seminary in Saint Paul, Minnesota.
2. Respondent is under the supervision of a licensed Marriage and Family Therapist, whom Respondent claims reviews and signs off on all of her case files, assessments, and waivers. Respondent's supervisor denies this.
3. Respondent identifies herself as a Marriage and Family Therapist on professional correspondence, as well as uses the designation "MA, MFT" after her name.
4. Respondent claims that she verbally informs clients, employers, and referral sources that she is not a licensed Marriage and Family Therapist. Additionally, Respondent alleges that she provides professionals, lawyers, and clients with a *Trainee Full Disclosure and Consent for Treatment by an Unlicensed Therapist* form (collectively, the "Disclosures").
5. In or about 2006, Respondent began providing evaluations in support of immigration visas.
6. In or about 2009, Respondent approached Attorney #1, an immigration attorney, and offered to provide evaluations to support immigration cases. Attorney #1 stated that during the meeting Respondent seemed very knowledgeable about immigration work.
7. Respondent did not disclose that she was unlicensed or provide Attorney #1 with any Disclosures.
8. During the 2009 meeting, Respondent provided Attorney #1 with a Curriculum Vitae ("CV"). Attorney #1 assumed Respondent was licensed based on the fact that the designation "MA, MFT" followed Respondent's name at the top of the CV.



9. Attorney #1 explained that licensure was important to immigration cases, because of (1) the qualification of the therapist as an expert witnesses, and (2) the import of the evaluation on the individual's ability to prevail.

10. After the 2009 meeting, Attorney #1 referred several clients to Respondent. Additionally, Attorney #1 referred Respondent to other immigration attorneys looking for similar expert services.

11. In or about December 2010, Attorney #1 referred Patient #1 to Respondent. Attorney #1 made the referral in order to get a professional evaluation of whether and to what extent Patient #1 suffered extreme emotional or physical hardship. This evaluation would be the cornerstone of Patient#1's immigration case.

12. On December 3, 2010, Respondent began providing therapeutic services to Patient #1. Patient #1 does not speak English and is unable to read in either English or Spanish. Patient #1's sister, who is bi-lingual, accompanied Patient #1 to the sessions. Respondent charged and Patient #1 paid an initial fee of \$250 and \$60 per session thereafter. The sessions were once a week for approximately three months.

13. Neither Patient #1 nor his sister received any Disclosures from Respondent indicating that she was an unlicensed provider. Nor did Respondent verbally disclose that she was unlicensed.

14. On January 26, 2011, Respondent provided her evaluation of Patient #1's physical and emotional condition to Attorney #1. In her letter, Respondent diagnosed Patient #1 with Post Traumatic Stress Disorder. The letter continued with a verbatim copy of the DSM-IV definition of *Post-Traumatic Stress Disorder, Chronic*. No other information was provided

about the diagnosis of Patient #1. Respondent signed the letter with the designation "MA, M.F.T." after her name, and listed her title as "Marriage and Family Therapist."

15. Respondent claims that her supervisor reviewed and approved the letter. The supervisor denies this, but provided some notes indicating that she discussed the case with Respondent.

16. Attorney #1 found Respondent's letter insufficient and unable to meet minimum legal standards necessary for immigration proceedings. In fact, the judge denied Patient #1's immigration application.

17. Attorney #1 then referred Patient #1 to another therapist, who required additional time and payment.

18. Attorney #1 no longer refers clients to Respondent. The chief reason for this being that Respondent provided the exact same letter and diagnosis she provided for Patient #1 for almost all of Attorney #1's clients.

19. A review of Attorney #1's files indicates that the same letter and diagnosis was provided approximately 25-30 times.

20. In addition to Attorney #1, Respondent claims that she provided similar services to at least six attorneys and provided PTSD diagnosis in excess of 50 times.

21. Respondent claims that she provided written and verbal Disclosures to professionals, clients, and lawyers in relation to all of her evaluations and her current practice. An investigation shows, however, that many of those Disclosures are either unexecuted or signed after the date this investigation began.



22. Respondent is self-employed, but also provides services at the VA Hospital in Minnesota, as well as at other locations. It is unknown whether Respondent has disclosed that she is an unlicensed practitioner at her other places of employment.

23. Respondent continues to state that she provides Marriage and Family Therapy services, though she is not licensed.

#### **IV. LAWS**

24. Respondent admits that the conduct described in section III constitutes a violation of Minn. R. 5300.0350, subp. 4(A), (E), (I), (N), (O), (P), (S); subp. 5(B), (C), (G), (H), (2012); Minn. Stat. §§ 148B.32, subd.1 and 2 (2012), 148B.37, subd.1 (1) (2012). Respondent further admits that the conduct and these violations justify the disciplinary action described in section V below.

#### **V. DISCIPLINARY ACTION**

25. The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

- a. The Board hereby REPRIMANDS Respondent.
- b. Respondent is prohibited from performing or engaging in any way with expert diagnostic and assessment work until she is licensed as an LMFT. Said expert diagnostic and assessment work includes, but is not limited to 1) drafting of any documents for any purpose other than regular treatment notes and 2) acting as an expert witness for a legal purpose whether by submitting documentation or testifying.
- c. Respondent will maintain her status as an applicant for licensure, so long as she complies with the following conditions:

***i. Ethics Course.***

- a) Within 12 months of the date of this Order, Respondent shall enroll, attend, and complete a Board-approved Ethics Course (the "Course").
- b) The Course must be a 3-Credit, Graduate Level Course taught as part of an accredited Marriage and Family Therapy Program.
- c) Respondent must receive a passing grade in the Course to satisfy the Course condition. A passing grade is a Pass on a Pass/Fail scale, a C or above on an A-F scale, or any equivalent thereof.
- d) Approval of the course is required prior to enrollment. To secure approval of the Course, Respondent shall submit to the Review Panel an official course description, as well as, the instructor's name and applicable credentials. The Board may also require a syllabus that includes the course's goals, objectives, assignments, projects, methods, and frequency of evaluation, as well as, any additional information required to evaluate the course for approval.
- e) Respondent must provide the Board with written documentation from the Course instructor that confirms successful completion of the Course.
- f) All fees for the course shall be paid by the Respondent.

***ii. Report on Ethics Course from Respondent.*** Within 30 days of completing the Course, Respondent shall submit a written report to the Complaint Panel which provides and/or addresses the following:

- a) The dates Respondent began and completed the Course;
- b) A brief statement of the topics covered in the Course;



c) A detailed discussion of what Respondent has learned from the Course, including Respondent's comprehension and knowledge of ethical issues, as well as various ethical issues encountered in practice, and how this course will affect her practice in the future;

d) A detailed discussion of the violations that occurred, including:

(1) How Respondent came to violate professional ethical standards;

(2) The manner in which Respondent violated these ethical standards;

(3) The specific harm to each individual that resulted, and the potential harm to other individuals that could have resulted from Respondent's conduct;

(4) How Respondent now believes the violations could have been averted;

(5) A detailed discussion of the specific ways this course may affect Respondent's practice if she is granted unconditional licensure as an LMFT;

(6) Respondent's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

(7) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

*iii. Report on Ethics Course From Instructor.* Within 60 days of completing the ethics course referenced above, Respondent shall cause to be submitted to the Complaint Panel a report from the instructor of the ethics course. This report shall address:

- a) The extent of Respondent's participation in the course; and
- b) The instructor's assessment of Respondent's knowledge obtained from the course, comprehension of the material issues, and opinion as to Respondent's ethical fitness to engage in the practice of marriage and family therapy.

*iv. Board-Approved Supervision.*

- 1. Respondent may no longer work with her current supervisor, which is required for licensure pursuant to Minn. R. 5300.0150.
- 2. Within 60 days of the date of this Order, Respondent must obtain a different Board-approved supervisor to provide the supervision which is required for licensure pursuant to Minn. R. 5300.0150. Respondent's supervisor must be specifically approved in advance by the Review Panel.
- 3. Supervision must comply with all rules for Board Licensure pursuant to Minn. Stat. 148B.01 et seq. and Minn. R. 5300.0100 et seq.
- 4. All of Respondent's diagnostic and assessment work in practice must be reviewed and signed off on by the Supervisor.
- 5. Supervision shall continue until Respondent is granted an unconditional LMFT license.



6. Every 6 months following approval by the Review Panel of Respondent's Board-approved supervisor, the Board-approved supervisor must file reports with the Board. Each report shall provide and/or address the following:

1. (In the first report only) Evidence Respondent's supervisor has received and reviewed a copy of this Stipulation and consent Order;
2. Dates on which supervision took place with Respondent;
3. The method by which supervision was conducted;
4. A statement that all cases have been reviewed, a description of any problems discovered in the review, and the resolution of the problems;
5. The supervisor's opinion as to Respondent's ability to provide competent services; and
6. Any other information the supervisor believes would assist the Board in its review of Respondent's application for licensure.

v. ***Correspondence with Attorneys.*** Within 3 months of the date of this Order, Respondent shall contact in writing each attorney with whom she provided diagnostic and/or expert services in regards to immigration proceedings and disclose her unlicensed status. The letter shall include a place for the attorney to sign the letter acknowledging receipt of the communication. Each attorney-signed letter shall be provided to the Board within 6 months of the date of this Order.

26. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States mail, courier, or personal delivery only.

## **VI. CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

### ***Noncompliance With Requirements***

1. If the Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements as outlined above, the Review Panel may automatically Order Denial of Respondent's Application for Licensure and/or take any other disciplinary action provided under the law.

2. The Denial of Application for Licensure ("Order of Denial") shall take effect upon service. Respondent agrees that the Review Panel is authorized to issue an Order of Denial, which shall remain in effect and shall have the full force and effect of an order of the Board until the Board makes a final determination pursuant to the procedures outlined in this section. The Orders shall confirm the Review Panel has probable cause to believe Respondent has failed to comply with or has violated one or more of the requirements to maintain applicant status. Respondent further agrees that either Order issued pursuant to this paragraph shall be deemed a public document under the Minnesota Government Data Practices Act.

3. Respondent may contest the Order pursuant to the following procedure:

a. Respondent shall request a hearing within 14 days of receiving the Order.



b. After receiving Respondent's request, the Panel shall schedule a hearing before the Board. At least 30 days before the hearing, the Panel shall mail Respondent a notice of the violation(s) alleged by the Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Respondent shall submit a written response to the allegations. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

c. The Panel, in its discretion, may schedule a conference with Respondent prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

d. Prior to the hearing before the Board, the Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present argument concerning the appropriateness of additional discipline.

e. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

f. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board, but shall not limit the Board's authority to impose discipline for the violation. A decision by the Panel not to seek discipline

when it first learns of a violation shall not waive the Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time.

g. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including lifting of the stay on the suspension, additional conditions or limitations on Respondent's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Respondent's license.

h. Nothing herein shall limit the Review Panel's or the Board's right to seek additional discipline pursuant to Minnesota Statutes section 148B.175, subdivision 7, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein. In addition, if Respondent fails to comply with or violates this Stipulation and Consent Order or it is determined Respondent has further violated Minnesota Statutes sections 148B.01 to 148B.39 or Minnesota Rules chapter 5300, the Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14.

## **VII. ADDITIONAL INFORMATION**

27. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate administrative contested case proceedings against Respondent on the basis of any act, conduct or omission of Respondent occurring before or after the date of this Stipulation which is not related to the facts, circumstances or requirements referenced hereinabove, nor does this Stipulation in any way limit or affect the Board's authority to seek injunctive relief or criminal sanctions against Respondent



for any violation of Minnesota Statutes section 148B.32 or Minnesota Rule 5300.0350 occurring after the effective date of the Order herein.

28. This Order and the Stipulation of which it is a part shall be deemed to be a public document.

29. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Respondent's counsel.

30. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota United States Constitutions, statutes, or rules.

31. Respondent acknowledges that she may seek the advice of legal counsel prior to executing this Stipulation.

32. This Stipulation was read in its entirety by Respondent prior to its execution; she understands all of its provisions; and she affirms that it was entered into freely and voluntarily by her.

33. Respondent hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Respondent under the Americans with Disabilities Act relative to the action taken or authorized against Respondent's application for marriage and family therapy license under this Stipulation.

34. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not

apply to the reduction of any period of Respondent's denial in Minnesota unless Respondent demonstrates that the practice in another state conforms completely with this Stipulation and Consent Order. If Respondent leaves the state, the terms of this order continue to apply unless waived in writing.

35. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

36. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

37. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be as if this Stipulation and Consent Order did not exist and the parties will proceed according to Minnesota Statutes Chapters 214 and 148B, except as specified in the following paragraph.

38. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.



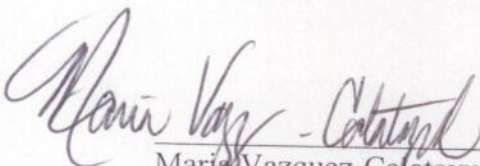
### VIII. DATA PRACTICES NOTICES


39. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

40. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

MINNESOTA BOARD OF  
MARRIAGE AND FAMILY THERAPY

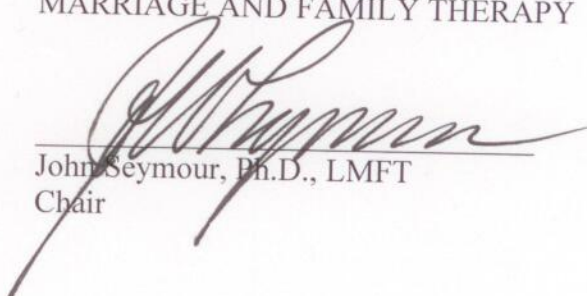
  
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Maria Vazquez-Calatayud  
Respondent

  
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Jennifer Mohlenhoff  
Executive Director

## ORDER

Upon consideration of this stipulation and all of the files, records and proceedings herein,  
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and  
implemented by the Board this 18<sup>th</sup> day of July, 2014.

MINNESOTA BOARD OF  
MARRIAGE AND FAMILY THERAPY



John Seymour, Ph.D., LMFT  
Chair